IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No. 1282 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PARESHKUMAR KALIDAS MALVANIA @BHAVSAR - Applicant(s)

Versus

HEMABEN PARESHKUMAR & 7 - Opponent(s)

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Appearance :

MR HS MUNSHAW for Applicant(s) : 1,MR CL SONI for Applicant(s) : 1,
MR UTPAL M PANCHAL for Opponent(s) : 1,
NOTICE SERVED BY DS for Opponent(s) : 2 - 8.

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 15/12/2005

ORAL JUDGMENT

1. Petitioner – original defendant No.1 has approached this court being aggrieved of the judgment and order dated 26-7-1999 passed by the learned 3rd Joint Civil Judge (SD), Surat below Exh-6.A in Special Civil Suit No. 185/98. The learned Judge was pleased to direct the

original defendant No.1 to pay Rs.2500/- per month as interim maintenance to the plaintiff from the date of the application i.e. 23-6-1998.

2. This revision application was filed on 24-8-1999 and this court on 25-8-1999 was pleased to pass the following order.

“Ld. counsel for the petitioner disputed the jurisdiction of the court concerned.

Rule, returnable within four weeks. The operation and implementation of the impugned order dated 26-7-1999 passed by the 3rd Joint Civil Judge (SD), Surat on application Exh.6.A in Spl. Civil Suit No.185/98, shall remain stayed. D.S. is permitted.”

Since then the order of stay has remained operative and as on date, the interim relief is operating in favour of the petitioner.

3. Heard Mr. Soni, learned advocate appearing for the petitioner. He submitted that he had a talk with the learned advocate appearing for the respondent – wife. He further submitted that the learned advocate appearing for the respondent – wife has agreed to get this matter disposed of by an order as per the consensus arrived at between the learned advocates in the best interest of the parties, viz. the interim relief which is operating since

1999, may be continued till the final disposal of the suit and the suit be directed to be disposed of in a time frame.

4. In view of the aforesaid consensus arrived at between the parties, which no way appears to be adverse to the interest of the parties, the Civil Revision Application is disposed of with the following direction:

1. The learned trial Judge is directed to give priority to the hearing of Special Civil Suit No.185/98 and shall that the suit is decided latest by 15-4-2006.

5. The Office is directed to communicate this order immediately. The civil revision application is disposed of. Rule is made absolute to the aforesaid extent with no order as to costs. Interim relief which is operative since 25-8-1999, shall continue to operate till the final disposal of the suit.

(RAVI R TRIPATHI,J)

shekhar/-